



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

■  
Docket No. 9073-22  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED], USN  
XXX-XX-[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) DOD 7000.14R  
(c) DD Form 2656

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected to reflect declined participation in the Survivor Benefit Plan (SBP).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 March 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found that, before applying to this Board, she exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board made the following findings:

a. Petitioner married [REDACTED] on 9 April 2001, and divorced on 7 January 2005. Order and Decree of Divorce did not direct SBP Former Spouse coverage.

b. Petitioner married [REDACTED] on 19 February, and the marriage was annulled on 5 December 2014. Decree did not direct SBP Former Spouse coverage.

c. Petitioner married [REDACTED] on 1 April 2020.

d. On 15 January 2022, Petitioner's spouse signed DD Form 2656, Data for Payment of Retired Personnel before a notary witness concurring with spouse's SBP election.

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN  
XXX-XX-[REDACTED] (RET)

e. On 17 March 2022, Defense Finance and Accounting Service (DFAS) received Petitioner's DD Form 2656, Data for Payment of Retired Personnel, electing to decline SBP. However, the form was not signed by Petitioner or witnessed.

f. Petitioner was transferred to the Permanent Disability Retired List (PDRL) on 29 March 2022 and SBP Spouse coverage premium deductions began.

g. On 6 February 2023, Petitioner and spouse signed SBP Affidavit before a notary witness requesting to decline SBP coverage.

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded Petitioner provided sufficient evidence to reflect her and spouse's desire to decline SBP coverage prior to transferring to the PDRL. Although Petitioner did not complete the proper administrative requirements, the Board felt that under these circumstances, relief is warranted.

## RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner elected to decline participation in SBP with spouse concurrence prior to transferring to the PDRL effective 29 March 2022.

Note: DFAS will complete an audit of Petitioner's pay records to determine the amount of premium refund.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/29/2023

